

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

LOPEZ DE SILANES *et al.*

Appl. No.: 10/565,885

Filed: January 25, 2006

For: **Administration of Anti-Cytokine  
F(ab')<sub>2</sub> Antibody Fragments**

Confirmation No.: 8053

Art Unit: 1644

Examiner: Skelding, Zachary S.

Atty. Docket: 2399.0080000/JAG/LAV

**Reply to Restriction Requirement**

Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

Sir:

In reply to the Office Action dated April 7, 2008, requesting an election of one invention to prosecute in the above-referenced patent application, Applicants hereby provisionally elect to prosecute the invention of **Group I**, directed to the topical administration of anti-cytokine F(ab')<sub>2</sub> antibody fragments directed against TNF- $\alpha$  represented by claims 20-36, with a further species election of cytokine mediated immune reactions, specifically, **corneal transplant rejection** (claim 32). This election is made without prejudice to or disclaimer of the other claims or inventions disclosed.

This election is made **with traverse**.

Applicants respectfully assert that this Restriction Requirement based on lack of unity of invention between Group I and Group IX is unfounded. More specifically, both groups possess unity of invention because they both rely on the same special technical feature of anti-cytokine F(ab')<sub>2</sub> antibody fragments directed to TNF- $\alpha$ . As such, Applicants assert that the restriction between Groups I and IX is improper and that it should be withdrawn.